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59/03/18 Letter from Mary Cowen to Assistant Prosecuting Attorney Gertrude Mahon

Mary E. Cowen
Cuyahoga County Coroner's Office

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Cuyahoga County Coroner's
Office

Case # 76629

March 1996

A-14

March 18, 1959

Mrs. Gertrude Mahon
Ass't Prosecuting Attorney
Criminal Courts Bldg.
Cleveland 14, Ohio

Dear Mrs. Mahon:

Regarding the answer brief of Samuel H. Sheppard in re: petition to the Supreme Court of Ohio for a writ of habeas corpus, I offer the following facts:

The card referred to was never part of the official record of the Coroner's Office but was merely a laboratory notation for my own reference.

The tests on the stains from both watches is described in detail on page 11 of the official laboratory report.

Just prior to recess at 10:30 am on November 30th, 1954 during cross examination, the Court instructed me to let Mr. Garmone have certain notes which I had with me. (See page 3075 of the record of the trial in Court of Common Pleas) As I recall, at that time Mr. Garmone examined all of the cards which I had with me on the stand and selected several cards which he took to the counsel table. Just as court resumed, the cards were returned to me and later I realized that this card had not been returned. If my memory serves me correctly then the defense had this ^{card} in their possession during the trial and at the time they were conducting their cross examination of my testimony.

The statement on the card in question states: " Crusted stains removed and tested for agglutinins against known A, B, and O cells rec'd from R. Marsters." (Emphasis is mine, added here.) I fail to see how this can be construed other than that the known A, B, and O cells were obtained from Dr. Marsters and were introduced for testing purposes. The technic of the test for agglutinins was explained in my testimony in reference to the determination of the blood group of the stain on the sheet removed from under the body of Marilyn Sheppard. (See pp. 3172 -73 of the record of the trial):

".... The test for agglutinins is the test for the anti-bodies in the serum, and that is tested by adding known red cells, that is known type A, Known type B and known type O cells." (See bottom of page 3172)

".... There was no reaction with the O cells, but there was reaction with the A cells and the B cells, indicating the presence of the anti-A (and) anti-B factor(s) which are present in the serum of O's blood." (See page 3173 beginning at line 15-- corrections are made by me here.)

The test for agglutinins on the watch: " Results inconclusive altho there appeared to be slight agglutination of both A and B cells." (see copy of card included with answer brief.)

inre: Answer brief of attorneys for Samuel Sheppard--- continued-- pg. 2

Referring back to the technic described in the above testimony it must be obvious that the A and B cells were those which were added for testing purposes.

(Testimony on Direct examination inre: watches-- see pp. 3059-62 inclusive)

The notation written on the card: " Turned over to Prosecutor's Office (Miss Hart) 11/4/54 at 10:27 AM" refers to the watch itself. This notation was made for my own information. The Coroner's official records contain a receipt signed by Miss Hart at this date and time for certain articles including the watch described on the card under consideration.

I hope this information will assist in refuting these wholly ungrounded opinions expressed in the answer brief.

Respectfully,

Mary E. Cowan